

**The High Court Of Madhya Pradesh****WP-3867-2021***(SHIKHA SHARMA Vs THE STATE OF MADHYA PRADESH AND OTHERS)***Jabalpur, Dated : 27-02-2021**

Shri R.P. Mishra, learned counsel for the petitioner.

Shri Ayur Jain, learned Panel Lawyer for the respondents/ State.

Heard on the question of admission.

By the instant petition, the petitioner is challenging the order dated 25.02.2020 (Annexure-P/5) passed by the respondent authority rejecting the claim of the petitioner for grant of compassionate appointment, mainly on the ground that in view of Clauses-2.4 and 4.6 of the Policy dated 29.09.2014, she is not entitled to get compassionate appointment.

From perusal of the respective clauses of the Policy dated 29.09.2014, it reveals that Clause-2.4 debars the married lady to get the compassionate appointment in the event of death of her father. Clause-4.6 further provides that whatever conditions mentioned in Clauses-2.1 to 2.7 of the Policy, other persons would not be entitled to get the compassionate appointment. It clearly indicates that the appointment of the petitioner was rejected on the ground that she was a married lady and the Policy debars her to get the compassionate appointment.

Learned counsel for the petitioner submits that the decision and the aforesaid clauses of the Policy are contrary to the law laid down by the Larger Bench of this Court in **W.A. No.756/2019** parties being **Meenakshi Dubey Vs. Madhya Pradesh Poorva Kshetra Vidyut Vitran Company** Limited holding that the married daughter is also eligible to be appointed on compassionate basis. He has also filed the

order passed by this Court in **W.P. No.18552/2020 [Smt. Divya Dixit Vs. The State of M.P. & Others]**.

On the other hand, learned Panel Lawyer appearing for the respondents/State submits that the authority may be directed to reconsider the claim of the petitioner in the light of the law laid down by the Larger Bench of this Court in W.A. No.756/2019.

Considering the aforesaid, the order impugned dated 25.02.2020 (Annexure-P/5) is set aside. The matter is remitted back to the Dean and Chief Executive Officer, Gandhi Medical College, Bhopal, for reconsidering the application of the petitioner for grant of compassionate appointment taking note of the law laid down by the Larger Bench in W.A. No.756/2019.

It is made clear that this Court has already held that the married daughter is also entitled to claim compassionate appointment and if she is otherwise eligible to get the same, her claim cannot be rejected by the authority on the ground that Clause-2.4 of the Policy debars her.

It is further directed that the aforesaid exercise be completed by the authority within a period of three months from the date of receipt of certified copy of this order.

With the aforesaid directions, the petition is **allowed**.

Certified Copy as per rules.

(SANJAY DWIVEDI)  
JUDGE

Prachi